IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, **City Crescent Building, 3rd Floor** **10 South Howard Street** **Baltimore, MD 21201** **Plaintiff,** v. **NORFOLK SOUTHERN RAILWAY COMPANY,** **6000 E. Lombard Street** **Baltimore, MD 21224** **Defendant.**	**COMPLAINT AND JURY TRIAL DEMAND** **Case No.**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Charging Party Kathryn Class. As alleged with greater particularity in paragraph 7 below, the United States Equal Employment Opportunity Commission ("the Commission") alleges that Norfolk Southern Railway Company ("Defendant") has committed sex discrimination in violation of Title VII by refusing to train and promote Kathryn Class to the position of yardmaster because of her sex (female).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (the "Commission"), is the Agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Norfolk Southern Railway Company, a Virginia corporation, has continuously been doing business in the State of Maryland and the City of Baltimore, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kathryn Class filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 2007, Defendant has engaged in unlawful employment practices in violation of Section 703(a)(1) and (a)(2) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (a)(2), as follows:.

a.. Defendant removed Kathryn Class from yardmaster training, failed to promote her to yardmaster, and replaced her with a less qualified male after it received a complaint that her attendance in the class violated Defendant's Corporate Policy 310, a policy which prohibits individuals "to directly or indirectly supervise, or to be supervised by a relative."

b. Defendant has employed male employees who have directly or indirectly supervised a relative or were directly or indirectly supervised by a relative.

8. The unlawful employment practices complained of in paragraph 7, above, were intentional.

9. The unlawful employment practices complained of in paragraphs 7, above, were done with malice or with reckless indifference to the federally protected rights of Kathryn Class.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination, including failing to promote females to positions traditionally or primarily held by males and any other employment practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Kathryn Class by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to promotion or front pay in lieu thereof.

D. Order Defendant to make whole Kathryn Class by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7, above.

E. Order Defendants to make whole Kathryn Class by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7, above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.

F. Order Defendant to pay Kathryn Class punitive damages for the malicious and reckless conduct described in paragraphs 7, above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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Associate General Counsel

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Regional Attorney (Acting)